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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,040	03/18/2004	Deborah L. MacPherson		6549
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VIENNA, VA 22180				
EXAMINER				
RAYYAN, SUSAN F				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,040

Applicant(s)

MACPHERSON, DEBORAH L.

Examiner

Susan F. Rayyan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.
2. A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.
3. Claims 1-10 are canceled.
4. Claims 11-30 are currently pending.

Drawings

5. The drawings are objected to because Figure 10A, small and unclear, several figures are not numbered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any

amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: in Figure 3 (1,2,3), Figure 6(1-15) and figures 10B. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

7. Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

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Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claim 1, recites "an assembly process for connecting, breaking apart, and organizing data into groups...", "a topological record keeping function using virtual forms representing relative placement of data components within larger configurations; a shared memory area for registering, intertwining, tracing, and comparing data histories in infinitely large groups organized by context and location", "control mechanisms for overlaying and streamlining similar data and data arrangements until there are no redundancies to enable the identification and ranking of originals", "an address prioritizing system...", "compiler/broadcasters seeking and distributing specific information by type as recognized by its topology", programming standards ..." the claim does not provide a tangible results such as storing the data in a computer-readable storage media or displaying the data to the user.

Claims 2-16 do not further provide tangible results.

Claim 17, recites “wherein boundaries representing information wholes in context are cleaned of potential ideas and information...”, “ boundaries are compressed into fixed symbols...”, “wherein topologies in the symbol state with massive amounts of information inside yet a small description outside look ready to burst, while symbols with infinite complicated and overlapping descriptions but simple information inside is wrinkled, yet from far away both look the same”, “wherein boundaries are made of vectors able to scale without pixilation”, “wherein every boundary is continuous and never breaks down while users are interpreting information of different scales...”, “wherein the boundaries have no ,scale because they are every scale”, “wherein the boundaries have no inherent thickness, they are built layer .by layer or initially connected arc by arc”, wherein fixed boundaries serve as descriptions linking information together...”, “wherein the tools and controls for drawing the boundaries...”, n the causes and effects of changing boundaries and fixing them into symbols is accomplished through data and network processing, thus context is driving the topology of data structures and known topologies are standardizing for specified data uses” do not provide tangible results such as such as storing the data in a computer-readable *storage media or displaying the data to the user.*

Claims 18-30 do not further provide tangible results.

Claim Objections

9. Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to claims in the alternate only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 112

10. The following rejections under 35 U.S.C. 112, first paragraph and under 35 U.S.C. 112, second paragraph are representative of the 112, first paragraph and second problems found throughout claims 11-30.

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 11, recites "assembly process for connecting, breaking apart, and organizing data into groups", drawing reference arcs", a topological record keeping function using virtual forms ...", " a shared memory area for registering, intertwining, tracing and comparing data histories ...", "an address prioritizing system". Examiner was unable to locate these limitations in the specification.

Claim 17, recites "wherein boundaries representing information wholes in context are cleaned of potential ideas and information...", " boundaries are compressed into fixed symbols...", "wherein topologies in the symbol state with massive amounts of information inside yet a small description outside look ready to burst, while symbols with infinite complicated and overlapping descriptions but simple information inside is wrinkled, yet from far away both look the same". Examiner was unable to locate these limitations in the specification.

Claim 22, limitation "portraits". Unable to locate in specification.

Claims 11-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 11, recites “assembly process for connecting, breaking apart, and organizing data into groups”, drawing reference arcs”, a topological record keeping function using virtual forms ...”, “ a shared memory area for registering, intertwining, tracing and comparing data histories ...”, “an address prioritizing system”. Examiner was unable to locate these limitations in the specification.

Claim 17, recites “wherein boundaries representing information wholes in context are cleaned of potential ideas and information...”, “ boundaries are compressed into fixed symbols...”, “wherein topologies in the symbol state with massive amounts of information inside yet a small description outside look ready to burst, while symbols with infinite complicated and overlapping descriptions but simple information inside is wrinkled, yet from far away both look the same”. Examiner was unable to locate these limitations in the specification.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-30 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly

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and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 11-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, recites "its". The term is indefinite as to what "its" represents.

Claim 11, recites "limitless groups" is indefinite as it is an infinite number.

Claim 12, recites "fixed and fluid forms". Indefinite as to what is a fixed or fluid form.

Claim 13, recites "track which data has made sense together in the past".

Indefinite as to what would "makes sense".

Claim 13, "measuring way people think...", indefinite as to how a machine measures the way people think.

Claim 14, recites "may or may not". The use of both the terms render the claim indefinite as it is unclear which term is to be considered.

Claim 17, recites "wherein boundaries have no scale because they are every scale".

This statement is contradictory and therefore indefinite.

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Claim 18, recites "indefinitely large combination" is a relative term which renders the claim indefinite.

Claim 18, recites "is complaint with National Institute of Standards and Technology policy" is indefinite as NIST policies change.

Claim 19, "typically" is indefinite as what is considered to be typical.

Claim 20, "untrained users" is indefinite as to what defines an untrained user.

Claim 21, recites "known and unknown" is indefinite as to what is considered known data and unknown data.

Claim 21, recites "itself", and is indefinite as to what encompasses itself.

Claim 21, recites "ideas we do not understand with the ideas and knowledge we do understand", unclear as to the metes and bounds.

Claim 22, recites "known and unknown" is indefinite as to what is considered known data and unknown data.

Claim 22, 27 recites "people", limitation may not claim people.

Claim 24, "realistically accommodated" is indefinite because it is unclear what would be considered realistic.

Claim 24, recites "wherein the inventor Deborah L. McPherson claims the exclusive right to develop the first set of patterns", a claim limitation may not include claiming a person.

Claim 27, recites "wherein the language is leading people and machines to original information precisely regenerated in context", limitation is unclear and indefinite as to the meaning.

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Claim 28, recites "context driven topologies making complex digital collections easier for people to". Indefinite as this is a statement of an advantage to people.

Claim 29, recites "topologies are becoming like real objects people form attachments", indefinite as how topologies become real objects.

Claim 29, recites "human perception" and "machines are affected". These limitations are indefinite as how to define human perception and how the machine is affected.

Claim 30, recites "wherein the system is helping us, as individuals and global society with, weeding out, and controlling data to create bigger pictures and capture elusive beauty. This limitation is indefinite as to how the system creates a bigger picture and captures elusive beauty.

Claim Rejections - 35 USC § 102

14. Examiner has rejected the claims as best understood by the claim language and specification.

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication Number 2004/0148296 issued to Arno Schaepe et al ("Schaepe").

As per claim 11 Schaepe anticipates:

A system for creating and managing a stateless space for standardizing data and network topologies and integrating computer generated histories wherein data is collectively evaluated to determine which data persists and continues to be distributed over time (see abstract), comprised of the following:

an assembly process for connecting, breaking apart, and organizing data into groups (paragraph 24, as process data into topological context);

marking groups by time, location, and purpose, drawing reference arcs (paragraph 28 and figure 2, arcs);

a topological record keeping function using virtual forms representing relative placement of data components within larger configurations (paragraph 10, as mapping data information into a data object);

a shared memory area for registering, intertwining, tracing, and comparing data histories in infinitely large groups organized by context and location (paragraph 23, as extracting information and computer implemented);

control mechanisms for overlaying and streamlining similar data and data arrangements until there are no redundancies to enable the identification and ranking of originals (paragraph 31, as overlay);

an address prioritizing system to characterize data deserving higher placement and broader distribution in future designs and automated assemblies (paragraph 35, as address and hierarchical level);

compiler/broadcasters seeking and distributing specific information by type as recognized by its topology (paragraph 10, as mapping data into data object network);

programming standards for broadcasting specified data configurations in context wherein, Context Driven Topologies remain mathematically the same and recognizable for parallel machine processing of limitless groups in the stateless space regardless of the ways they are simplified and selectively distributed and displayed in real space and time (see figure 1, representation of a structure of semantic cognition network).

Claims 11-16 are rejected based on the same rationale as claim 1 above.

As per claim 17 Schaepe anticipates:

wherein boundaries representing information wholes in context are cleaned of potential ideas and information, fixed into a group, and made into a single boundary (paragraph

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24, as process data into topological context);

wherein boundaries are compressed into fixed symbols to serve as a single character in each components existing unique identifiers including existing URLs, museum object numbers, article and publication numbers, geographic locations and place marks, subject matters by area in the shared memory, and adaptable to all information identifiers assigned by information originators and interpreters (see figure 1-2); wherein topologies in the symbol state with massive amounts of information inside yet a small description outside look ready to burst, while symbols with infinite complicated and overlapping descriptions but simple information inside is wrinkled, yet from far away both look the same (see figure 1-2);

wherein boundaries are made of vectors able to scale without pixilation (see figure 1-2, paragraph 5, pixel) ;

wherein every boundary is continuous and never breaks down while users are interpreting information of different scales through the topologies directly rather than through the original information itself (figure1 and figure 2);

wherein the boundaries have no ,scale because they are every scale;

wherein the boundaries have no inherent thickness, they are built layer .by layer or initially connected arc by arc (Figure 2, arcs);

wherein fixed boundaries serve as descriptions linking information together as it is streamlining in and out of the shared memory area of the stateless space (Figure 1-2, boundaries);

wherein the tools and controls for drawing the boundaries is accomplished through computer graphics processing, operator interface, and selective visual display (Figure 3, as developer studio);

wherein the causes and effects of changing boundaries and fixing them into symbols is accomplished through data and network processing, thus context is driving the topology of data structures and known topologies are standardizing for specified data uses (figure 3, and paragraph 23, as extracting information and networks).

Claims 18-29 are rejected based on the same rationale as claims above.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SR
8/30/2007


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